

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:10-00185-11

AHMAD WATERSON

MEMORANDUM OPINION AND ORDER

In Bluefield, on April 22, 2013, came the defendant, Ahmad Waterson, in person and by counsel, Mary Lou Newberger, Federal Public Defender; came the United States by Miller Bushong, III, Assistant United States Attorney; and came United States Probation Officer Sarah Harmon, for a hearing on the petition to revoke the defendant's term of probation.

The court noted defendant's January 14, 2013 appearance on the petition to revoke defendant's term of probation and the court's decision to hold the same in abeyance pending the birth of the defendant's child. Thereafter, the court elicited the defendant's and the government's positions on revocation respectively.

Both the defendant and his counsel stated that, since the January 14, 2013 hearing, the defendant had both obtained a mining license in order to apply for mining jobs in the area and had been in regular contact with United States Probation Officer Brett Taylor, allegedly abiding by all conditions required of

the defendant by Officer Taylor. The defendant asked the court to consider his conduct since the January 14, 2013 hearing in light of the conduct alleged in the petition to revoke his term of probation. Accordingly, the defendant asked to remain on probation.

The government did not oppose the defendant's request and, moreover, noted that the Probation Office of this court had previously made a similar recommendation that the defendant remain on probation.

After hearing arguments from both sides, the court **ORDERED** that the petition to revoke the defendant's term of probation be **DISMISSED** and he is to continue serving his previously imposed term of probation subject to all the terms and conditions of probation adopted by this court and any other additional terms of probation ordered at the defendant's sentencing. The court further ended defendant's appearance bond.

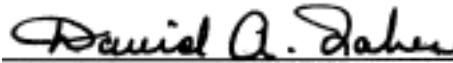
The court informs the defendant of his right to appeal the court's decision to dismiss the petition to revoke his term of probation. The court further informs the defendant that, in order to initiate such an appeal, a Notice of Appeal must be filed with this court within fourteen days. The court advises the defendant that if he wishes to appeal and cannot afford counsel, the court will appoint counsel for him. The court

further advises the defendant that if he so requests, the Clerk of Court will prepare and file a Notice of Appeal on his behalf.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to counsel of record, the United States Marshals Service for the Southern District of West Virginia, and the Probation Department of this court.

IT IS SO ORDERED this 23rd day of April, 2013.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge